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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

| | | |
|---------------------------|---|------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR 09-00643 SBA |
| |) | |
| Plaintiff, |) | STIPULATION AND ORDER |
| |) | CONTINUING STATUS CONFERENCE |
| v. |) | AND EXCLUDING TIME |
| |) | |
| HIRUY AMANUEL, and |) | |
| ERIK HARDING, |) | |
| |) | |
| Defendants. |) | |

Plaintiff, by and through its attorney of record, and defendants, by and through their attorneys of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 9 a.m. on Tuesday, September 15, 2009.
2. The parties request that this hearing be continued until 9 a.m. on Tuesday, October 13, 2009, in order to provide defendants' counsel with additional time to evaluate the evidence in this case and determine whether or not defendants should enter a change of plea or file motions and to prepare for trial in this matter.

STIPULATION AND ORDER RESCHEDULING
HEARING; EXCLUDING TIME

3. Specifically, defendants' counsel needs the continuance in order to review discovery and to schedule and conduct a meeting with the government to physically examine evidence seized, to review and analyze the discovery materials produced, investigate the case, and develop a motions and/or trial strategy in light of that discovery. The parties believe that failure to grant the above-requested continuance would deny defendants' counsel and defendants the reasonable time necessary for effective preparation taking into account the exercise of due diligence and that the ends of justice served by continuing the case as requested outweigh the interest of the public and defendant in a trial within the date prescribed by the Speedy Trial Act.

4. Thus, the parties respectfully request that the Court find that the time period from September 15, 2009, to October 13, 2009, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendants' request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

IT IS SO STIPULATED.

JOSEPH P. RUSSONIELLO
United States Attorney

Dated: September 13, 2009

/s/
GARTH HIRE
Assistant United States Attorney
Attorney for United States of America

Dated: September 13, 2009

/s/
DIANA WEISS, ESQ.
Attorney for Defendant
Hiruy Amanuel

Dated: September 13, 2009

/s/
MARTHA BOERSCH, ESQ.
Attorney for Defendant
Erik Harding

ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled September 15, 2009, status conference hearing is vacated. A status conference hearing is now scheduled for 9:00 a.m. on October 13, 2009.

2. The time period from September 15, 2009, to October 13, 2009, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendants' request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

DATED: 9/14/09


HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE